1947 P 13E

File No. B Famine Relief /47

Legal DEPARTMENT

B BRANCH

A/1115 Subject:— A Bill to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to reenact certain Provisions thereof.

L. A. Bill No VI of 1947

Bom Act No XVI of 1947

File No. B Famine Relief /47

Std. Sectt. Slip 24 B e.

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S-Cs.
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11/5.

Legal Department.

The requisite draft Bill and S.O.R. are sent herewith.

2. The subject matter of the Bill falls under entry No. 32 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. None of the provisions of the Bill is repugnant to the provisions of any earlier Federal Law or existing Indian Law with respect to any matter enumerated in the Concurrent Legislative List. It is not, therefore, necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935. The Bill does not require any sanction or recommendation under the Government of India Act, 1935. None of the provisions of the Bill effects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935 or falls within the purview of clause (a),(b),(c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

Sd/- P.V. Kane.
29/10/46.

Secretary to Government.

U.R. to Revenue Department No.7420, dated 30th October 1946.

L.Cs.
M.V.V.
11/5.

No.3550.

Legal Department,

Bombay Castle, 11th April 1947.

From

D.V.Vyas, Esquire, I.C.S.
Secretary to the Government of Bombay.

To,

The Secretary to the Governor of Bombay.

Subject:- A Bill to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to to re-enact certain provisions thereof.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forwarded herewith for the assent of His Excellency the Governor, an authentic copy of a Bill to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certain provisions thereof, which was as read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 11th February 1947 and on the 28th February 1947 ~~and on the 22th~~ respectively.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a),(b),(c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The Subject-matter of the Bill falls under entry 32 in List II in the Seventh Schedule to the Government of India Act,1935.

4. As the Bill does not relate to any matter in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

5. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

L-Cs.
D.V.V.
11/5.

6. I am also to forward herewith one copy of each of the papers noted in the margin.

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	The Bill was not referred to a Select Committee.
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	
3. Bill as read for the third time and passed by the Bombay ~~Legislative~~ Legislative Council.	
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 11th February 1947 and of the Bombay Legislative Council dated the 28th February 1947.	

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- D.V.Vyas.

Secretary to the Government of Bombay,
Legal Department.

Through

The Secretary to the Government of Bombay,

Revenue Department.

4-Cs.
D.V.V.
14/3.

No. C.S.1269.
Office of the Governor's Secretary,
Government House,
Bombay, 18th April 1947.

From

D.Symington, Esquire, C.I.E., I.C.S.,
Secretary to the Governor of Bombay,

To

The Secretary to Government,
Legal Department.

Subject:- The Bombay Famine Relief Fund
(Amendment) Bill, 1947.

Sir,

With reference to your letter No.3550, dated the 11th April 1947, I am directed to return herewith, with His Excellency the Governor's assent signified thereon, the copy of the Bombay Famine Relief Fund (Amendment) Bill, 1947.

Yours obedient servant,

Sd/-

Secretary to the Governor of Bombay.

L-Co.
M.V.T.
14/5.

Bills.

A Bill to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certain provisions thereof.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No.742,
Bombay Castle, 21st. January 1947.

Memorandum from the Revenue Department p.26 ante No.5516/33-III-B (Famine), dated the 16th January 1947:- Transferring for necessary action the papers relating to a Bill to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certian provisions thereof.

RESOLUTION:- The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 21st January 1947, as Bill No.VI of 1947.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarti, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette on the 27th January 1947.

3. The dates of the various publications should be reported to the Secretary to the Bombay Legislative Assembly.

By order of the Governor of Bombay,

Original

Sd/- K.V.Chitnavis,

Assistant Remembrancer of Legal Affairs.

To,

The Manager, Government Central Press, Bombay (with the Bill and the Statement of Objects and Reasons and with a request that 230 Gazette copies of the Bill and the S.O.R. may be forwarded to the Secretary to the Bombay Legislative Assembly for distribution to the Members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Department)

The Revenue Department,
The Oriental Translator to Government,
The Secretary to the Bombay Legislative Assembly,
The Director of Publicity, Bombay.

} With a copy of the Bill as and S.O.R.

with five extra copies of the Bill.

L-Co.
K.V.V.
14/5.

Acts.

Publication of the Bombay Famine Relief Fund (Amendment) Act, 1947.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No.4054.
Bombay Castle, 21st. April 1947.

Letter to the Secretary to the Governor, No.35^0, dated the 11th April 1947.

Letter to the Secretary to the Governor, No.G.S.1769, dated the 18th April 1947.

" With reference to your letter No.35^0 dated the 11th April 1947, I am directed to return herewith, with His Excellency the Governor's assent signified thereon, the copy of the Bombay Famine Relief Fund (Amendment) Bill, 1947."

RESOLUTION:- The law should be published as Bombay Act No. XVI of 1947 in the Bombay Government Gazette, dated the 21st Mx.April 1947.

2. The Act should be translated into Marathi, Gujarti/ , Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Revenue Department with reference to the memorandum from that Department No.5516/33-III-B (Famine) dated the 18th. January 1947.

By order of the ~~Governor~~ Governor of Bombay,

Sd/- P.H.Lad.
Secretary to Government.

To,

The Manager, Government Central Press, Bombay(with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department),
The Revenue Department,
"The Oriental Translator to Government,) With a copy
The Secretary to the Bombay Legislative Council,)
The Secretary to the Bombay Legislative Assembly,) of the Act.
The Director of Publicity, Bombay,)

" With five extra copies of the Act.

4-Ca.
M.V.V.
14/5.

Bom. Act. No. XVI of 1947

~~L. A. BILL No. VI OF 1947.~~

A Bill to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certain provisions thereof.

~~(As read for the third time and passed by the Legislative Assembly on the 11th February 1947.)~~

(As read for the third time and passed by the Legislative Council on the 28th February 1947.)

26 Geo. 5, Ch. 2.

Bom. IX of 1940.

WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certain provisions thereof; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Famine Relief Fund (Amendment) Act, 1947.

Bom. IX of 1940.

Repeal of Bom. IX of 1940 and re-enactment of section 2 thereof.

2. The Bombay Famine Relief Fund (Amendment) Act, 1940, is hereby repealed and section 2 thereof is re-enacted.

P Bk Hb 323

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. VI OF 1947.]

(As read for the third time and passed by the Legislative Assembly on the 11th February 1947.)

(As read for the third time and passed by the Legislative Council on the 28th February 1947.)

A Bill to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certain provisions thereof.

[Mr. MORARJI DESAI, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. VI OF 1947 [A BILL TO REPEAL THE BOMBAY FAMINE RELIEF FUND (AMENDMENT) ACT, 1940, AND TO RE-ENACT CERTAIN PROVISIONS THEREOF]

Mr. MORARJI R. DESAI (Minister for Revenue): Sir, I beg to introduce L. A. Bill No. VI of 1947 [A Bill to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certain provisions thereof].

The DEPUTY SPEAKER: The Bill is introduced.

Mr. MORARJI R. DESAI: Sir, I beg to move that L. A. Bill No. VI of 1947 [A Bill to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certain provisions thereof] be read a first time.

Question proposed.

Mr. MORARJI R. DESAI: Sir, as the Bombay Famine Relief Fund stood before 1940, the funds could be invested only in securities of the Central Government. That provision restricted the scope of investment. The Act was, therefore, amended by an amending Act passed during the Section 93 regime in 1940. This Bill is brought before the House in order to repeal and re-enact that amending Act.

It will be readily granted that it is not right to restrict the scope of investment to securities of the Central Government. Therefore, it is proposed to lay down that the funds may be invested in securities of the Central Government as well as in other securities as defined in section 2 of the Indian Securities Act, 1920, and in sections 2 and 3 of the Indian Trusts Act, 1882. It is not necessary to speak at length on this amendment, because it only widens the scope of investment, about which there can be no controversy. I, therefore, hope and trust that the Bill will be passed by the House unanimously.

Question put, and agreed to.

Mr. MORARJI R. DESAI: Sir, I beg to move that L. A. Bill No. VI of 1947 [A Bill to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certain provisions thereof] be read a second time.

Question put, and agreed to.

Bill read clause by clause.

Clause 2 (*Repeal of Bom. IX of 1940 and re-enactment of section 2 thereof*) ordered to stand part of the Bill.

Clause 1 (*Short title*) and the Preamble ordered to stand part of the Bill.

Mr. MORARJI R. DESAI: I beg to move that L. A. Bill No. VI of 1947
6-30 p.m. [A Bill to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certain provisions thereof] be read a third time and passed.

Question put and agreed to.

The DEPUTY SPEAKER: L. A. Bill No. VI of 1947 [A Bill to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certain provisions thereof] is read a third time and passed.

MG-1 Bk Hb 275F

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. VI OF 1947.

A Bill to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certain provisions thereof.

(As read for the third time and passed by the Legislative Assembly on the 11th February 1947.)

WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certain provisions thereof; It is hereby enacted as follows :—

26 Geo. 5, Ch. 2.

Bom. IX of 1940.

1. This Act may be called the Bombay Famine Relief Fund (Amendment) Act, 1947. Short title.

Bom. IX of 1940.

2. The Bombay Famine Relief Fund (Amendment) Act, 1940, is hereby repealed and section 2 thereof is re-enacted. Repeal of Bom. IX of 1940 and re-enactment of section 2 thereof.

STATEMENT OF OBJECTS AND REASONS.

Under sub-section (4) of section 93 of the Government of India Act, 1935, any law made by the Governor during the section 93 regime continues to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect unless sooner repealed or re-enacted by Act of the Provincial Legislature. It is considered desirable to continue in force the amendment made by Bombay Act No. IX of 1940, in the Bombay Famine Relief Fund Act, 1936. It is therefore proposed to repeal the said Governor's Act and to re-enact the provisions contained in section 2 thereof.

15th January 1947. MORARJI DESAI.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. VI OF 1947.]

As read for the third time and passed by the Legislative Assembly on the 11th February 1947.)

A Bill to repeal the Bombay Famine Relief Fund (Amendment) Act, 1940, and to re-enact certain provisions thereof.

[Mr. MORARJI DESAI, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.